



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1677

Introduced 2/19/2009, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-186 new
305 ILCS 5/9A-11.5

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that the Department shall create a task force to examine the process used by State and local governmental agencies to conduct criminal history record checks as a condition of employment or approval to render provider services to such an agency. Provides that the task force shall include but need not be limited to representatives from several specified State agencies and large regional school districts. Requires the task force to provide a plan to the General Assembly by February 1, 2010 that addresses specified issues aimed at revising the process for conducting criminal history record checks in order to reduce duplication of effort and make better use of resources and more efficient use of taxpayer dollars. Amends the Illinois Public Aid Code. Provides that as a condition of eligibility to participate in the child care assistance program, a child care provider must authorize in writing an investigation to determine whether the child care provider has ever been charged with a crime and, if so, the disposition of those charges. Provides for confidentiality of information received by the Department of Human Services. Eliminates a provision that the Department of Human Services shall request the Department of Children and Family Services to conduct periodic investigations of the Central Register maintained under the Abused and Neglected Child Reporting Act. Effective immediately.

LRB096 10732 KTG 20916 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 2. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-186 as follows:

7 (20 ILCS 2310/2310-186 new)

8 Sec. 2310-186. Criminal history record checks; task force.

9 The Department shall create a task force to examine the process
10 used by State and local governmental agencies to conduct
11 criminal history record checks as a condition of employment or
12 approval to render provider services to such an agency. The
13 task force shall be comprised of representatives from State and
14 local agencies that require an applicant to undergo a
15 fingerprint-based criminal history record check pursuant to
16 State law or agencies that are contemplating such a
17 requirement. The task force shall include but need not be
18 limited to representatives from the Department of State Police,
19 the Department of Children and Family Services, the Department
20 of Financial and Professional Regulation, the Department of
21 Public Health, the Department of Human Services, the Office of
22 the Secretary of State, and the Illinois State Board of
23 Education, and representatives from large regional school

1 districts. The task force shall review and make recommendations
2 to create a more centralized and coordinated process for
3 conducting criminal history record checks in order to reduce
4 duplication of effort and make better use of resources and more
5 efficient use of taxpayer dollars.

6 The task force shall provide a plan to revise the criminal
7 history record check process to the General Assembly by
8 February 1, 2010. The plan shall address the following issues:

9 (1) Identification of any areas of concern that have
10 been identified by stakeholders and task force members
11 regarding State-mandated criminal history record checks.

12 (2) Evaluation of the feasibility of using an
13 applicant's initial criminal history record information
14 results for subsequent employment or licensing screening
15 purposes.

16 (3) Evaluation of the feasibility of centralizing the
17 screening of criminal history record information inquiry
18 responses.

19 (4) Identification and evaluation of existing
20 technologies that could be utilized to eliminate the need
21 for a subsequent fingerprint inquiry each time an applicant
22 changes employment or seeks a license requiring a criminal
23 history record inquiry.

24 (5) Evaluation of what other states are doing to
25 address similar concerns.

26 (6) Identification of programs serving vulnerable

1 populations that do not currently require criminal history
2 record information to determine whether those programs
3 should be included in a centralized screening of criminal
4 history record information.

5 (7) Preparation of a report for the General Assembly
6 proposing solutions that can be adopted to eliminate the
7 duplication of applicant fingerprint submissions and the
8 duplication of criminal records check response screening
9 efforts and to minimize the costs of conducting State and
10 FBI fingerprint-based inquiries in Illinois.

11 Section 5. The Illinois Public Aid Code is amended by
12 changing Section 9A-11.5 as follows:

13 (305 ILCS 5/9A-11.5)

14 Sec. 9A-11.5. Investigate child care providers. Any child
15 care provider receiving funds from the child care assistance
16 program under this Code who is not required to be licensed
17 under the Child Care Act of 1969 shall, as a condition of
18 eligibility to participate in the child care assistance program
19 under this Code, do the following:

20 (1) Authorize ~~authorize~~ in writing on a form prescribed
21 by the Department of Children and Family Services, periodic
22 investigations of the Central Register, as defined in the
23 Abused and Neglected Child Reporting Act, to ascertain if
24 the child care provider has been determined to be a

1 perpetrator in an indicated report of child abuse or
2 neglect. The Department of Children and Family Services
3 shall conduct an investigation of the Central Register at
4 the request of the Department. ~~The Department shall request~~
5 ~~the Department of Children and Family Services to conduct~~
6 ~~periodic investigations of the Central Register.~~

7 (2) Authorize in writing an investigation to determine
8 if the child care provider has ever been charged with a
9 crime and, if so, the disposition of those charges. Upon
10 this authorization, the Department shall request and
11 receive information and assistance from any federal,
12 State, or local governmental agency as part of the
13 authorized investigation. The Department of State Police
14 shall provide information concerning any criminal charges,
15 and their disposition, whether filed before or on or after
16 the effective date of this amendatory Act of the 96th
17 General Assembly, against a child care provider upon the
18 request of the Department when the request is made in the
19 form and manner required by the Department of State Police.
20 Any information concerning criminal charges and the
21 disposition of those charges obtained by the Department is
22 confidential and may not be transmitted (i) outside the
23 Department except as required in this Section or (ii) to
24 anyone within the Department except as needed for the
25 purposes of determining participation in the child care
26 assistance program.

1 The Department shall by rule determine when payment to an
2 unlicensed child care provider may be withheld if there is an
3 indicated finding against the provider based on the results of
4 the Central Register search and the criminal background
5 information obtained by the Department ~~in the Central Register.~~
6 (Source: P.A. 92-825, eff. 8-21-02.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.